

February 11, 2004

Marianne Smith, Director  
Division of Developmental Disabilities Services  
1056 South Governors Avenue  
Dover, Delaware 19901

DDDS Voter Registration Policy

Dear Ms. Smith:

The Developmental Disabilities Council has reviewed the DDDS Voter Registration Policy and has the following observations.

First, the scope of the policy is narrower than the 1997 version. The 2004 draft only addresses registration whereas the 1997 version also included provision for transportation to the polls, receipt and display of campaign literature, candidate access to DDDS residential sites, etc. I recommend that the 2004 policy be expanded to cover such matters. For example, achieving voter registration of residential clients is of little value if transportation to the polls (e.g. from Stockley or group home) is not offered.

Second, the purpose section is somewhat narrow in limiting the policy to implementation of a single federal law, the NVRA. For example, the NVRA literally applies only to "elections for Federal office". See 42 U.S.C. §1973gg-2. There are State, local, and school board elections in which DDDS clients may wish to participate. Moreover, the ADA applies to all State programs, including elections. Finally, State law confers an independent right to register and vote [Title 15 Del.C. §§1703] and explicitly contemplates DHSS assistance with voter registration [Title 15 Del.C. §2050(b)]. DDDS may wish to consider readopting a variation of the purpose sentence from the 1997 policy: (e.g. "(t)o establish a system to provide individuals applying for or receiving Division services the opportunity to exercise the right to participate in the electoral process.").

Third, the definition of "re-certification" in Section IV.D is confusing. Grammatically, it literally recites that a noun (re-certification) is an adverb (annually).

Overall, the balance of the policy relating to the registration process appears to comprehensively define personnel roles and expectations.

The Council thanks you for the opportunity to comment. If you have any questions or concerns, please feel free to contact the Council staff at 739-3333.

Sincerely,

Anthony L. Horstman

Cc: State Council for Persons with Disabilities  
Governor's Advisory Council for Exceptional Citizens  
Governor's Advisory Council for DDDS  
The ARC